

(Washington, DC) Congressman Alcee L. Hastings (D-Miramar) made the following statement on the passage by the House of Representative of a bipartisan amendment to H.R. 1, the Fiscal Year 2011 Continuing Resolution, to block funding for the implementation of the Department of Education's proposed Gainful Employment regulation. Hastings was joined by House Education and the Workforce Committee Chairman John Kline (R-MN), Representative Virginia Foxx (R-NC), Representative Carolyn McCarthy (D-NY) and Representative Donald Payne (D-NJ) in introducing the amendment that passed the House by a vote of 289 to 136. **(Please find attached a copy of the amendment).**

"This proposed rule is so broad and its implementation so burdensome that many schools will undoubtedly close and countless students will lose access to higher education," said Hastings. "While this may please some of my friends in Congress as well as the Department of Education, what will happen to the single mother looking to change careers who needs the flexibility of a private sector college? What about the first-generation college student who needs the added support and job placement services many of these institutions provide? And how can we be expected to reach President Obama's goal of the highest percentage of college graduates by 2020 if we're shutting down access to effective educational programs?"

"The Department's suggested approach will disproportionately harm nontraditional and lower-income students who have no choice but to rely on student loans to pursue a postsecondary education and need the flexibility career colleges provide. Too many students will be impacted, and too many questions are still unanswered to justify the Department's insistence on pursuing the draft regulations. The passage of this amendment will prohibit the Department from moving forward with this harmful and misguided rule.

"We all agree that both tax payer funds and students' best interests should be protected in higher education, but rushing into a blanket approach that will limit student access to higher education and fails to adequately address problem institutions, is not the way to go.

"It is my hope that with the passage of this amendment, the Department will finally be compelled to work with Congress to develop meaningful reforms that truly have students' best interests at heart."

Background on Gainful Employment Regulation

Under the Higher Education Act, proprietary colleges and universities and career training programs are required to offer programs that lead to gainful employment in a legally recognized occupation in order to participate in the federal student aid programs. The term “Gainful Employment,” has been in the statute for over 40 years, and during the most recent reauthorization of the Higher Education Act, there was no debate or discussion on a need to further define the term. The U.S. Department of Education is now promulgating a regulation that defines “gainful employment” through a complex matrix that examines the student loan debt-to-income ratio of graduates to the student loan repayment rate of graduates in the programs rather than using actual measures of educational quality such as job placement and graduation rates. The proposed regulation would require the U.S. Department of Education to approve every new program created at a proprietary institution prior to the start of the program. The amendment would prohibit the use of funds for the implementation of the draft regulation the Department issued on October 29, 2010 and would prohibit the Department from promulgating or enforcing new regulations regarding gainful employment.

Congressman Alcee L. Hastings represents Florida's 23rd Congressional district. He is a senior member of the House Rules Committee and U.S. Helsinki Commission.

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 [GE Amendment to CR.pdf](#)